

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

UNION PACIFIC RAILROAD COMPANY, LOGAN
COUNTY and the VILLAGE OF ELKHART,
ILLINOIS,

Petitioners,

VS.

ILLINOIS DEPARTMENT OF TRANSPORTATION,
LOGAN COUNTY and THE VILLAGE OF
ELKHART, ILLINOIS.

Respondents.

Petition for an Order of the Illinois
Commerce Commission authorizing
modification and reconfiguration of the
grade crossing warning devices,
crossing surfaces and approaches
required for the installation of an
additional railroad track at (1) the
grade crossing inventoried as
DOT #294267C (M.P. 167.26) at what is
commonly known as Governor Oglesby
Street and under the jurisdiction of
the Village of Elkhart, Illinois
(the "Oglesby Grade Crossing") and
(2) the grade crossing inventoried as
DOT #294263A (M.P. 163.45) at what is
commonly known as County Highway
12/Oak Street/Main Street and under the
jurisdiction of Logan County, Illinois,
(the "County Highway 12 Grade Crossing"))
both grade crossings being located in
Logan County, Illinois, at the
respective intersection with the main
line tracks of Union Pacific Railroad
Company, on the Springfield Subdivision.)

Chicago, Illinois
July 16, 2014

1 Met pursuant to notice at 2:00 p.m.

2 BEFORE:

3 JUDGE DUGGAN, Administrative Law Judge
4 (Via videoconference).

5 APPEARANCES:

6 MR. MACK SHUMATE
7 101 North Wacker Drive, Room 1920
8 Chicago, Illinois 60606
9 (312) 777-2055
10 Appearing for the Petitioner;

11 MS. JENNIFER KUNTZ
12 2300 South Dirksen Parkway
13 Springfield, Illinois 62764
14 (217) 782-3215
15 Appearing for IDOT
16 (via video conference);

17 MR. JOSEPH VON DE BUR
18 527 East Capitol Avenue
19 Springfield, Illinois 67201
20 (217) 557-1286
21 Appearing on behalf of Staff
22 (via video conference).

21 SULLIVAN REPORTING COMPANY, by
22 Tracy L. Overocker, CSR

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I N D E X

| <u>Witnesses:</u> | <u>Direct</u> | <u>Cross</u> | <u>Re-</u> <u>direct</u> | <u>Re-</u> <u>cross</u> | <u>By</u> <u>Examiner</u> |
|--------------------|---------------|--------------|-----------------------------|----------------------------|------------------------------|
| John Venice | 11,18 | | | | 17,38 |
| Jennifer Crumbliss | 42 | | | | |

E X H I B I T S

| <u>Number</u> | <u>For Identification</u> | <u>In Evidence</u> |
|------------------|---------------------------|--------------------|
| UPRR Group No. 1 | 4 | 10 |

1 (Whereupon, UPRR Group
2 Exhibit No. 1 was
3 marked for identification.)

4 JUDGE DUGGAN: Pursuant to the authority vested
5 in me by the State of Illinois and the Illinois
6 Commerce Commission, I now call Docket T14-0029 for
7 hearing.

8 May we have the appearances starting
9 with Mr. Shumate.

10 MR. SHUMATE: Yes. My name is Mack Shumate.
11 I'm an attorney with the Union Pacific Railroad
12 Company. We have offices at 101 North Wacker Drive,
13 Suite 1920, Chicago, Illinois 60606. My telephone
14 number is area code (312) 777-2055 and I'll have two
15 witnesses today.

16 JUDGE DUGGAN: Very good.

17 Miss Kuntz?

18 MS. KUNTZ: On behalf of the Illinois
19 Department of Transportation, Jennifer Kuntz,
20 K-u-n-t-z, 2300 South Dirksen Parkway, Springfield,
21 Illinois 62764. Telephone number of (217) 782-3215.

22 JUDGE DUGGAN: Very good.

1 And Mr. Von De Bur?

2 MR. VON DE BUR: Representing the Staff of the
3 Illinois Commerce Commission, Joe Von De Bur, Capital
4 V-o-n, capital D-e, capital B-u-r. 527 East Capitol
5 Avenue, Springfield, Illinois 62701. Phone number is
6 (217) 557-1286.

7 JUDGE DUGGAN: Very good. And let the record
8 show that there are no legal representatives here
9 today for both the County nor the Village of Elkhart.
10 However, the mayor of Elkhart is present Lyle,
11 L-y-l-e, Fout, F-o-u-t, and the Logan County engineer
12 is present, Mr. Brett, B-r-e-t-t Aukamp, O-u-k-a-m-p
13 (sic) and they may state their positions and ask that
14 certain questions be asked.

15 Off the record.

16 (Discussion off the record.)

17 Aukamp should be A. The first letter
18 is "A".

19 And then we'll swear Mr. Venice and
20 Miss Crumbliss in. Would you please raise your right
21 hands?

22 (Witnesses sworn.)

1 JUDGE DUGGAN: Thank you very much.

2 Now, Mr. Shumate, if you don't mind,
3 I'd rather go through these exhibits, identify each
4 one first and go ahead and note there is no
5 objection, get them into evidence and then you can
6 your testimony from them.

7 Do you have any concern with doing it
8 that way?

9 MR. SHUMATE: No, not at all, your Honor.

10 JUDGE DUGGAN: We'll do that. I think it's
11 fine to do it that way. We talked off the record
12 with just your short descriptions because the people
13 are going to stipulate to it and not object to it, so
14 they will be admitted and identified in a succinct
15 fashion that way.

16 So we started with your Exhibit A
17 that's entitled, Engineering Design and Construction.
18 The first page has an overview of the area in which
19 your requested side line would be located, followed
20 by an A-1 and an A-2 with the A-1 being a large
21 sketch of the area in which the main line would be
22 constructed -- excuse me, of which the side track

1 would be constructed. As you noted off the record,
2 there is a series of red ink boxes. Each one of
3 which represents a page on the designs for this, but
4 we're not placing it into evidence, the final designs
5 add the A-2 -- excuse me, Page 2 of A-1 is the legend
6 for A-1; is that fair, Mr Shumate?

7 MR. SHUMATE: Yes. That's accurate, your
8 Honor. Thank you.

9 JUDGE DUGGAN: Then Exhibit B is -- starts with
10 an aerial shot of the Oglesby Street crossing and the
11 area in Elkhart, Illinois, and the remaining pages
12 are street level photos of that crossing; is that
13 correct, Mr. Shumate?

14 MR. SHUMATE: Yes, your Honor. All four
15 quadrants.

16 JUDGE DUGGAN: Very good. Thank you.
17 Exhibit C is similar, but this one is applying to Oak
18 Street in Broadwell starting with the aerial view
19 followed by at-grade street level photos of the
20 four-quadrant crossing; is that correct, Mr. Shumate?

21 MR. SHUMATE: Yes, your Honor, it is correct.

22 JUDGE DUGGAN: All right. We are not going to

1 have an Exhibit D, correct, Mr. Shumate?

2 MR. SHUMATE: Yes. We withdraw that your
3 Honor, yes.

4 JUDGE DUGGAN: Okay. Then Exhibit E is a DOT,
5 dash, AAR crossing inventory for the Oglesby Street
6 in Elkhart crossing, is that correct, Mr. Shumate?

7 MR. SHUMATE: Yes, it is, your Honor.

8 JUDGE DUGGAN: There is not going to be an F;
9 is that correct?

10 MR. SHUMATE: That's right.

11 JUDGE DUGGAN: Exhibit G is the inventory form
12 for the Oak Street crossing in Broadwell; is that
13 correct?

14 MR. SHUMATE: That's correct, your Honor.

15 JUDGE DUGGAN: Okay. And before we get to the
16 admission of these records, let's make a note that
17 the AAR Inventory Form, Exhibit G, for this Oak
18 Street, in fact, refers to the street name as Main
19 Street. It's also been referred to as Oak Street and
20 as County Highway 12 and it is intended that any
21 reference to County Highway 12 or Oak Street or Main
22 Street is, in fact, intended to be the one single

1 crossing in Broadwell, is that correct, Mr. Shumate?

2 MR. SHUMATE: Yes, your Honor, it's correct.

3 JUDGE DUGGAN: Okay. And you agree with that,
4 Miss Kuntz?

5 MS. KUNTZ: Yes, your Honor.

6 JUDGE DUGGAN: And you agree with that,
7 Mr. Von De Bur?

8 MR. VON DE BUR: Yes, your Honor.

9 JUDGE DUGGAN: Then Exhibit H is the final
10 design plan, the final plan for the -- for which
11 crossing, Mr. Shumate?

12 MR. SHUMATE: For Oglesby Street, your Honor.

13 JUDGE DUGGAN: For Oglesby Street in Elkhart
14 and Exhibit I is the final plan for the Oak Street
15 crossing in Broadwell; is that correct, Mr. Shumate?

16 MR. SHUMATE: Yes, that is correct, your Honor.

17 JUDGE DUGGAN: Okay. Do you wish to move those
18 exhibits into evidence?

19 MR. SHUMATE: Yes, your Honor. I'd like to
20 move the Union Pacific Group Exhibit 1 set of
21 documents that we've just referred to into evidence.

22 JUDGE DUGGAN: Very good. And we'll also note

1 that, again, attached to A is A-1 and attached to B
2 is B-1, 2, 3, 4, attached to C is C-1 through 4; is
3 that correct, Mr Shumate?

4 MR. SHUMATE: That's correct, your Honor.

5 JUDGE DUGGAN: Any objection to these exhibits
6 being admitted into evidence, Miss Kuntz?

7 MS. KUNTZ: No objection.

8 JUDGE DUGGAN: Any objection, Mr. Von De Bur?

9 MR. VON DE BUR: No objection.

10 JUDGE DUGGAN: Okay. Then those exhibits are
11 admitted into evidence.

12 (Whereupon, UPRR Group
13 Exhibit No. 1 was
14 admitted into evidence.)

15 And you may call your first witness.

16 MR. SHUMATE: Thank you, your Honor. I'd like
17 to call John Venice.

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1 JOHN VENICE,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY
6 MR. SHUMATE:
7 Q Would you state your name for the record,
8 please.
9 A Sure. First name is John, J-o-h-n; last
10 name Venice, V, as in victory, e-n-i-c-e.
11 Q Mr. Venice, by whom are you currently
12 employed?
13 A The Union Pacific Railroad Company.
14 Q In what department?
15 A The Engineering Department.
16 Q How long have you worked for the Union
17 Pacific Railroad or its predecessors?
18 A 15 and a half years.
19 Q And are you familiar with the subject
20 matter of the petition which we're having the hearing
21 on here today?
22 A Yes, I am.

1 Q Have you reviewed the exhibits and helped
2 prepare them that have been marked and entered into
3 the record as part of the evidence here --

4 A Yes.

5 Q -- today?

6 A Yes, I have.

7 Q Okay. Now, I'm going to direct your
8 attention to Exhibit A. It's marked as Engineering
9 and Design and Construction. What does this show?

10 A This is just a cover sheet or the front
11 sheet for the detailed plans for the -- at what we're
12 calling the Elkhart Siding Project or the Second Main
13 Track Project.

14 Q And there is a map with the state of
15 Illinois on this document with a circle on it. What
16 does that circle indicate?

17 A That circles gives an indication of the
18 location the project.

19 Q And there is a rectangle to the right of
20 the State of Illinois and what does that depict?

21 A That gives a little more close-up view of
22 the location of the project.

1 Q And the project is approximately how many
2 miles long?

3 A It is approximately 14 miles long.

4 Q And then on the far right-hand side of this
5 exhibit, sideways it says, Elkhart, Illinois
6 Springfield Subdivision and it gives specific
7 milepost references.

8 Would you read those into the record,
9 please.

10 A Oh, sure. Springfield Subdivision Milepost
11 161 to Milepost 175.

12 Q Is the project that we're discussing here
13 today, is that the mileposts -- within those
14 mileposts?

15 A It is.

16 Q Okay. And now it also references your
17 high-speed rail. What does that mean?

18 A The project is a part of the Illinois
19 High-Speed Rail Project to allow Amtrak trains to go
20 110 miles an hour from Joliet, Illinois to East
21 St. Louis, Illinois.

22 Q Now I'm going to show you what's been

1 marked as Exhibit A1 Page 1 of 2.

2 Are you familiar with that document?

3 A Yes, I am.

4 Q And what does this purport to show?

5 A Again, a bit closer overall view of this
6 Elkhart additional track project.

7 Q All right. When we say "additional track
8 project," would you describe in your own words what
9 this means?

10 A Sure. Well, we're adding this additional
11 track to help with fluidity on this corridor so when
12 the trains are running at a greatly increased speed,
13 one train can either pass a slower train that's going
14 in the same direction or a train going in the
15 opposite direction has a place to get out of the way
16 of a train and still keep moving at a greater speed.

17 Q Will this enhance the operations of the --
18 both the freight and the Amtrak trains on this
19 particular line?

20 A Yes, it will.

21 Q And will it improve the safety of that
22 operation?

1 A Yes, it will.

2 Q I want to direct your attention to what's
3 been marked as Exhibit A 1, Page 2 of 2. What is
4 that?

5 A Well, this is just abbreviations and
6 legends. These help the user understand the design
7 plans with explanations of symbols or abbreviations
8 that are contained in the plans.

9 Q So that refers to -- it gives detailed
10 information with regard to the plan that was shown on
11 Exhibit A1, Page 1 of 2?

12 A It would, yes.

13 Q Okay. Now, I'd like to direct your
14 attention to what's been marked as Exhibit B.

15 What is that?

16 A This is just a Google Earth aerial view of
17 the Governor Oglesby Street.

18 Q Is that the way it looks today?

19 A Yes, sir.

20 Q And how many crossings are at the
21 intersection of the Union Pacific Railroad tracks and
22 Governor Oglesby Street currently?

1 A There are two currently.

2 Q And why are there two?

3 A One is a main track and the other is a

4 siding track which serves a local industry.

5 Q I see. Okay. And on this Google Earth

6 print, it does show Governor Oglesby Street as being

7 the street that crosses the Union Pacific tracks at

8 this location; is that correct?

9 A Yes, it does.

10 Q And --

11 JUDGE DUGGAN: Mack?

12 MR. SHUMATE: Yes, sir.

13 JUDGE DUGGAN: Did you say there was already an

14 existing side track there?

15 MR. SHUMATE: Yes sir. There is an existing

16 and it's for -- maybe I can clarify it this way.

17 BY MR. SHUMATE:

18 Q Mr. Venice, there are two crossings at --

19 two tracks at this crossing currently; right?

20 A Yes, sir.

21 Q How many main tracks are there?

22 A There's one main track.

1 Q And then you referenced an industry track?

2 A Yes, sir.

3 Q So there is an industry in the vicinity

4 that also has a track that crosses Oglesby currently

5 today?

6 A Yes, it does.

7 Q When and if the plan for the 14-mile siding

8 is approved and it's constructed, will there be three

9 tracks at this intersection?

10 A Yes, there will.

11 Q Okay. Is there room --

12 EXAMINATION

13 BY

14 JUDGE DUGGAN:

15 Q How about -- give me the locations. Is the

16 existing siding track going to remain where it is?

17 A Yes, your Honor.

18 Q And the new side track will then be to the

19 east of both existing tracks?

20 A Yes, your Honor.

21 Q And the distance will be 20 feet from the

22 new siding track to the old -- Center Line or the Old

1 Center Track.

2 A Yes, your Honor. The new track will be on
3 a 20-foot center from the existing main track.

4 Q Well, you have the main line and then you
5 said the existing siding track was to the east of the
6 existing main track; right?

7 A Yes, your Honor. The siding track is the
8 track furthest west. So on this aerial view, it is
9 the track that is furthest to the left.

10 Q Okay. So it's going to be siding track on
11 the west main line track, which you have now and then
12 just east of the main line track would be the new
13 track 20 foot centers; right?

14 A Yes, your Honor.

15 JUDGE DUGGAN: Okay. Thanks.

16 Thank you, Mack.

17 CONTINUED DIRECT EXAMINATION

18 BY

19 MR. SHUMATE:

20 Q Now, Mr. Venice, I'm going to show you
21 what's been marked as Exhibit B1 facing north. What
22 is that?

1 A Just a picture of the existing Governor
2 Oglesby Street crossing looking north.

3 Q Okay. And so you will be standing on the
4 railroad right-of-way looking north?

5 A That's correct.

6 Q And currently, what is the nature of the
7 signalization at this crossing?

8 A The warning devices are four-quadrant gates
9 at this crossing currently.

10 Q And one of the tracks in this photograph is
11 the siding track. Is it the track on the left?

12 A Is the track on the left.

13 Q And the industry that that track serves, it
14 looks to be a grain elevator on the left-hand side;
15 is that correct?

16 A I believe it is a grain-type facility.

17 Q Okay. Agricultural facility?

18 A Of that nature, yes.

19 Q Okay. Now, I'd like to show you what's
20 been marked as Exhibit B2 facing south?

21 A Yes.

22 Q What is that?

1 A Just a picture of the existing Governor
2 Oglesby Street crossing facing to the south.

3 Q And it also shows that this is a
4 four-quadrant gate crossing area?

5 A It does have the four-quad gates.

6 Q Are there loop detectors in the streets at
7 this crossing?

8 A Yes, sir.

9 Q And will loop detectors be on the final
10 plans also?

11 A They will be on the final installation.

12 Q Would you describe for the Judge what the
13 use of loop detectors are?

14 A The loop detectors, sir, are similar to
15 what you may have at a traffic light or intersection.
16 They have the ability to, in a sense, detect a
17 vehicle in that presence.

18 Q And then if the gates are coming down
19 because a train is approaching and if the loop
20 detector detects a vehicle, will the loop detectors
21 prevent the car from being boxed in by the gates?

22 A Yes. And with the ITCS or Incremental

1 Train Control System, it will also send a warning
2 message to the engineer of the Amtrak train letting
3 them know to slow down because there is some type of
4 vehicle on the tracks the loop detector is sensing.

5 Q I see. Okay.

6 JUDGE DUGGAN: And, Mack, let me just ask this:
7 Other than moving these warning devices and rewiring
8 to accommodate the extra track, are the systems going
9 to be exactly the same as they presently are?

10 MR. SHUMATE: Let me ask the question this way.

11 BY MR. SHUMATE:

12 Q Will the existing four-quadrant gates be
13 retained or will brand-new ones be put in?

14 A Brand new-gates and there will also be a
15 consideration for the pedestrian sidewalk as well.

16 Q Okay. And will the -- will these gates be
17 moved to a location to accommodate the additional
18 track?

19 A Yes. The gates will be placed to
20 accommodate the additional main track.

21 Q Okay.

22 JUDGE DUGGAN: What about this pedestrian

1 crossing?

2 MR. SHUMATE: Okay.

3 BY MR. SHUMATE:

4 Q Is there -- well, let me go to the next
5 slide, maybe it will help.

6 Now, I'm showing you what's been
7 marked as Exhibit B3 facing east.

8 Are you familiar with that?

9 A Yes, I am.

10 Q Okay. Now, on the right-hand side there is
11 a sign that says, Speed Limit 15. Public Library.
12 Is there a sidewalk adjacent to the Oglesby Street
13 there?

14 A There is, yes.

15 Q Okay. Will that sidewalk be maintained or
16 retained, excuse me, as the -- when the crossing is
17 changed?

18 A Yes, it will.

19 Q And what will be the nature of the grade
20 crossing devices or warning devices at that location?

21 A Well, my understanding is we will have the
22 standard pedestrian treatments for the sidewalk once

1 the full signal installation is completed.

2 Q And what is the standard for high-speed
3 rail?

4 A Well, what we're using is an exit gate
5 system to allow people who are on the tracks a way to
6 escape so they won't get boxed in. If a train is
7 coming they will have, in effect, an exit gate or an
8 escape mechanism or area to get off the track.

9 Q And will there be signage on those exit
10 gates?

11 A Yes, there will.

12 JUDGE DUGGAN: Let me hold you up again, Mack.
13 I don't recall this petition. Has the petition been
14 done for the pedestrian path?

15 MR. SHUMATE: There is an existing pedestrian
16 path there now.

17 JUDGE DUGGAN: Oh, okay.

18 MR. SHUMATE: There's a sidewalk up on the
19 right-hand side there --

20 JUDGE DUGGAN: All right.

21 MR. SHUMATE: And it's going to be retained.

22 JUDGE DUGGAN: Okay.

1 MR. SHUMATE: It's going to be signaled now.

2 JUDGE DUGGAN: So your plans are just going to

3 add the high-speed treatment, as you said, for the

4 existing sidewalk. I got you. Thank you.

5 THE WITNESS: Yes, your Honor.

6 JUDGE DUGGAN: And that's presumably in your

7 Exhibits H and I?

8 MR. SHUMATE: Yes, your Honor.

9 THE WITNESS: Yes, your Honor.

10 JUDGE DUGGAN: Okay. I appreciate it. Thank

11 you.

12 BY MR. SHUMATE:

13 Q Now, Mr. Venice, I show you what's been

14 marked as B4 facing west.

15 What does that depict?

16 A This is just a picture taken at the

17 existing Governor Oglesby Street crossing looking to

18 the west.

19 Q Now, I want to look at Exhibit C.

20 Are you familiar with this?

21 A Yes, sir.

22 Q And what is that?

1 A This is just a Google Earth-type aerial
2 view of the existing Oak Street crossing.

3 Q Now, at the Oak Street crossing on this
4 particular print, does it show what the existing
5 crossing is today?

6 A Yes, it does.

7 Q And how many crossing are -- excuse me.
8 How many tracks are at this crossing
9 currently?

10 A There's just one single main track.

11 Q And will it be changed when the side track
12 is installed?

13 A Yes, it will.

14 Q How many crossings will be there then or
15 how many tracks through the crossing?

16 A There will be a total of two tracks through
17 the crossing after the project.

18 Q Okay. Now I'm going to show you what's
19 been marked as Exhibit C1 facing north.

20 What is that?

21 A Just a photograph of the existing Oak
22 Street crossing looking north.

1 Q Okay. And then there is Exhibit C2 facing
2 south.

3 And what is that?

4 A Yes. Just a photograph of the existing Oak
5 Street crossing looking to the south.

6 Q Okay. And now Exhibit C3 facing west.

7 Are you familiar with that?

8 A Yes, I am.

9 Q Now, this -- this particular photograph, it
10 shows the nature of the grade crossing warning
11 devices at this intersection currently.

12 What type of configuration does it
13 have?

14 A It has the four-quadrant gate system.

15 Q Okay. Does it also have loop detectors?

16 A Yes it does.

17 Q Okay. When the new crossing is installed,
18 will it also have four-quad gates at this location?

19 A It will also have the four-quadrant gate
20 system with loop detectors.

21 Q Okay. Now, to your knowledge, are there
22 any pedestrian paths on this particular crossing?

1 A No. No, sir, there are not.

2 Q Okay. Now, directing your attention now to

3 Exhibit C4 facing east.

4 What does this show?

5 A A picture of the existing Oak Street

6 crossing looking to the east.

7 Q Okay. Now, I want to show you what's been

8 marked as Exhibit E.

9 Are you familiar with this document?

10 A Yes, I am.

11 Q And would you read the title of it at the

12 top there?

13 A This is the DOT AAR Crossing Inventory.

14 Q And then there is a DOT number. Is that

15 for -- a number for the crossing itself?

16 A Yes. The DOT number represents a specific

17 identification number for this crossing.

18 Q Okay. Which crossing is this?

19 A This is the Governor Oglesby Street

20 crossing.

21 Q Okay. And at what milepost is it located

22 according to this AAR Crossing Inventory?

1 A This is at milepost 167.26 of the Union
2 Pacific Railroad Springfield Subdivision.

3 Q And in what county is this located in?

4 A This is in Logan County.

5 Q And in what city?

6 A The city of Elkhart, Illinois.

7 Q Okay. And what are the -- there is a train
8 count on here. What is the typical number of daily
9 Judge train movements on this -- through this
10 particular crossing?

11 A The average daily train count probably
12 various from a low of 10 to 12 to a high of maybe 15
13 to 16. The train counts can vary depending upon
14 business levels and of course Amtrak's schedules too.

15 Q Okay. Can you read what this particular
16 AAR Crossing Inventory indicates?

17 A It indicates a total of 12.

18 Q Okay. And then what is the train -- the
19 maximum timetable speed at this crossing location?

20 A It is 79 miles an hour.

21 Q And is that for all trains or just Amtrak
22 trains?

1 A The maximum speed pertains to all trains.
2 However, the only trains that would realistically
3 attain that speed would be an Amtrak train.

4 Q And what speed do the freight trains travel
5 at, maximum speed, at this location?

6 A Typically, it would be a maximum of about
7 60 miles an hour depending upon train make up and
8 commodities and other factors.

9 Q Okay. Now, also it shows the type of
10 warning devices at this particular location, which
11 we've already seen the pictures of, but does it
12 indicate that it's four-quadrant gates?

13 A Yes, it does.

14 Q Okay. And what type of crossing surface is
15 at this location currently?

16 A It has a concrete surface.

17 Q And will it have a concrete surface after
18 it is reconstructed?

19 A Yes, it will.

20 Q I would like to direct your attention to
21 Exhibit G?

22 A Okay.

1 Q Would you read the title of that document,
2 please.

3 A This is the DOT AAR Crossing Inventory.

4 Q For which crossing?

5 A It's labeled as Main Street, but it is also
6 Oak Street.

7 Q Okay. And what's the DOT number for this
8 one?

9 A The DOT number is 294263 A, as in apple.

10 Q And this is what we refer to as the Oak
11 Street crossing?

12 A Yes, sir.

13 Q And at what milepost is this crossing
14 located?

15 A This is at milepost 163.45 of the Union
16 Pacific Railroad Springfield Subdivision.

17 Q And in what county is this?

18 A This is in Logan County.

19 Q In what city?

20 A The city of Broadwell, Illinois.

21 Q Okay. And how many tracks are at this
22 particular crossing?

1 A There's currently a single track.

2 Q And what is the daily traffic count for
3 this particular crossing?

4 A It's going to be about, probably, 11 to 12
5 a day.

6 Q Would it be the same as the Oglesby
7 crossing or is there a difference because of sidings
8 or anything like that?

9 A It would be similar. The only difference
10 may be a local train may have service the customer
11 north of the existing Governor Oglesby siding would
12 account for the one additional train maybe a day.

13 Q That's what we previously referred to as
14 the industrial spur?

15 A Correct.

16 Q So there might be one additional train?

17 A There may be.

18 Q And what is the timetable speed at this
19 crossing?

20 A The maximum speed is 79 miles an hour.

21 Q And the Amtrak trains, would they travel at
22 that speed?

1 A They would.

2 Q And then the freight trains through this
3 location, what speed would they typically travel at?

4 A Again, a realistic estimate would be about
5 60 miles an hour, but it would be lower depending
6 upon commodity and train make up and other factors.

7 Q And if it's a switch move, would that
8 typically be a slower speed?

9 A It would be a slower speed if the train was
10 going into a siding or serving a local customer.

11 Q Okay. And --

12 JUDGE DUGGAN: Mack, Mack, let me interrupt
13 you. I'm sorry.

14 But I thought you were talking about
15 the Oak Street or Main Street ARDT and that crossing
16 and then you referred to that one having a slightly
17 different train count because of the spur line is
18 what I thought you said, but the spur line at
19 Oglesby?

20 MR. SHUMATE: Yeah, no, that's correct. What
21 I -- perhaps I wasn't as clear as I should be is that
22 certainly at Oglesby, there is an industrial spur

1 that might have an additional train or two on it as
2 opposed to particular location which would account
3 for the lower number of being approximately 11
4 instead of 12 trains.

5 So at this location, it should have a
6 lower number of trains simply because there's no
7 industrial siding.

8 JUDGE DUGGAN: I didn't hear his answer. I
9 assume he said yes, but I didn't hear it.

10 MR. SHUMATE: Okay. Let me ask the question.

11 BY MR. SHUMATE:

12 Q At the Oak Street crossing, Mr. Venice,
13 would you expect there to be less trains than at the
14 Oglesby crossing?

15 A Yes, I would.

16 Q And why?

17 A Because there is no spur track at the Oak
18 Street crossing.

19 Q Okay.

20 JUDGE DUGGAN: Thank you.

21 BY MR. SHUMATE:

22 Q And then is this a four-quad gate crossing

1 according to the AAR Crossing Inventory?

2 A Yes, sir.

3 Q And what is the nature of the crossing

4 surface at this location?

5 A It is also a concrete crossing surface.

6 Q I forgot to ask one question, Mr. Venice on

7 Exhibit D. I'd like to go back -- excuse me,

8 Exhibit E like in effort.

9 What's the train count at the --

10 excuse me, the vehicle count according to this AAR

11 Crossing Inventory at Oglesby Street?

12 A The average daily traffic count is

13 approximately 1,750 vehicles.

14 Q And how many of those are trucks?

15 A It looks like the percentage of trucks is

16 maybe 5 percent.

17 Q Okay. And now I'd like to get the similar

18 information for Oak Street. So I'd like you to look

19 at Exhibit E and -- excuse me, Exhibit G.

20 A Okay.

21 Q And what is the average daily traffic count

22 for that?

1 A 150 vehicles.

2 Q And how many trucks?

3 A About 1 percent would be trucks.

4 Q Okay. Now, Mr. Venice, what is the

5 expected start date for the construction for this

6 particular project?

7 A Well, portions of the project are already

8 under construction. We have a contractor out doing

9 some clearing and -- brush clearing for the project

10 already.

11 Q When would you expect that this project

12 would be completed?

13 A According to the timetable and the schedule

14 for the Illinois High-Speed Rail Program, they're

15 looking to have the project completed by November of

16 2014.

17 Q Is there any fencing included at either one

18 of these crossings as part of the High-Speed Rail

19 Project?

20 A Yes, sir.

21 Q And will that be installed by the Union

22 Pacific and/or its contractors?

1 A Yes, it would.

2 Q Okay.

3 JUDGE DUGGAN: I didn't hear, will it be what?

4 MR. SHUMATE: Will it be installed by the Union

5 Pacific and/or its contractors.

6 BY MR. SHUMATE:

7 Q And, Mr. Venice, what was your answer?

8 A Yes. Yes, sir.

9 JUDGE DUGGAN: Is that fencing just for the

10 Oglesby crossing because of the pedestrian path?

11 THE WITNESS: No, your Honor. We've designed

12 fencing for both the Governor Oglesby crossing and

13 for the Oak Street crossing on the east side.

14 JUDGE DUGGAN: Okay. Has that been standard

15 for high-speed crossings even when there is no

16 pedestrian path?

17 THE WITNESS: Your Honor, I can't verify that

18 it's been standard, but I think it's what I've seen

19 on some occasions.

20 MR. SHUMATE: I'll have -- your Honor, I'll ask

21 this question of Jennifer Crumbliss when I call her

22 to clarify.

1 JUDGE DUGGAN: All right. It's just curiosity.
2 Okay. Thanks.
3 BY MR. SHUMATE:
4 Q So, Mr. Venice, are there any questions
5 that I failed to ask you that think would be helpful
6 to the Hearing Officer in making a determination as
7 to the grade crossing warning devices which is part
8 of this petition for today?
9 THE WITNESS: No, sir.
10 MR. SHUMATE: No further questions for
11 Mr. Venice at this time, your Honor.
12 JUDGE DUGGAN: Okay.
13 Let me ask you: Looking at the
14 exhibits, it appears that this 14-mile siding track
15 will start south of Elkhart and proceed to a point
16 just north of Broadwell; is that about right?
17 THE WITNESS: Yes. Yes, your Honor.
18 JUDGE DUGGAN: Thanks.
19 Who is going to have the -- pay the
20 cost of maintenance? Is that another witness,
21 Mr. Shumate?
22 MR. SHUMATE: Yes. I'll ask Jennifer Crumbliss

1 those questions.

2 EXAMINATION

3 BY

4 JUDGE DUGGAN:

5 Q Okay. And, again, pardon me if I'm
6 repeating what Mr. Shumate asked, but would you
7 expect more or less blockage of intersections with
8 this 14-mile side line available?

9 A We would expect less blockage of
10 intersection, your Honor. This project will increase
11 the fluidity of the train movements on this corridor.

12 Q All right. You testified to the existing
13 approximate daily average of the trains, both from
14 your own knowledge and from the AAR DOT inventories
15 and is there an expectation that the number of
16 freight trains would increase per day?

17 A No, not appreciably, your Honor, not in
18 this area south of Bloomington, not to my
19 understanding.

20 Q Okay. And so the effect that the
21 availability of the 14-mile siding track would have
22 on blocking or not blocking intersections or easing

1 blocking intersections would be what?

2 A The project will increase the velocity of
3 the train movements, your Honor. So I would expect
4 any blockage to be reduced compared to what it would
5 be.

6 Q Okay. Well, you're not going to move the
7 trains faster -- you told me that the maximum
8 timetable speed limit is 79 miles per hour, but that
9 these trains run at about 60 miles per hour, is that
10 right, the freight trains?

11 A Yes. That's correct, your Honor. The
12 freight trains' maximum speed, as a practical matter,
13 is about 60 miles per hour. Once the project is
14 completed, the Amtrak trains are planned to run at
15 110 miles an hour.

16 Q And how many of these trains are Amtrak
17 trains?

18 A The majority, sir, are Amtrak trains. If I
19 were to guess, I would say between eight and nine a
20 day are the Amtraks.

21 Q And then how many are freight?

22 A The remaining four to five would be freight

1 with probably one switch movement to serve the local
2 industry.

3 Q But the freights aren't going to increase
4 their train -- their speed; is that correct?

5 A That is correct, yes.

6 Q So when you refer to the trains moving
7 faster, you are referring to the Amtrak; correct?

8 A Yes, your Honor. This is a project funded
9 by the Illinois High-Speed Rail Program.

10 Q Right. And then the side line doesn't
11 allow the trains themselves to necessarily move
12 faster on the main line, but it does allow one train
13 to pass through while another goes off on the side
14 lane and, therefore, not having to -- well, what do
15 you do now when you have an Amtrak and a freight line
16 on the same track?

17 A Well, your Honor, to the extent there is a
18 slower train ahead of the Amtrak, the Amtrak would
19 have to slow down and to the extent there is a
20 movement in the other direction, your Honor, the
21 slower train would have to find a siding to get out
22 of the way and stop to let the Amtrak pass and then

1 start up again with a stop which, with a long train,
2 can take some.

3 Q Okay. So in this area, it will allow --
4 allow you to avoid one track -- one train having to
5 slow down for another one in front and it provides
6 another side line local in this area which would --
7 should be a positive thing for the two at-grade
8 intersections along this 14 miles; correct?

9 A Yes. Yes, your Honor.

10 Q Very good. I got your date of bidding. I
11 didn't capture your date of completion?

12 A Your Honor, the date of completion for this
13 project would be November 2014.

14 JUDGE DUGGAN: Okay. Miss Kuntz?

15 MS. KUNTZ: I have no questions, thank you.

16 JUDGE DUGGAN: Mr. Von De Bur?

17 MR. VON DE BUR: No questions, your Honor.

18 JUDGE DUGGAN: Very good.

19 Okay. You want to ask your next
20 witness.

21 MR. SHUMATE: Thank you, your Honor. I'd like
22 to now call Jennifer Crumbliss.

1 JENNIFER CRUMBLISS,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY
6 MR. SHUMATE:
7 Q Would you state your name for the record,
8 please?
9 A Jennifer Crumbliss.
10 Q Would you spell that?
11 A Jennifer is J-e-n-n-i-f-e-r. And Crumbliss
12 is C, as in Charlie, r-u-m-b-, as in boy, l-i-s-s-,
13 as in Sam.
14 Q And Miss Crumbliss, by whom are you
15 currently employed?
16 A I work for HDR Engineering.
17 Q In what capacity?
18 A I am a project manager, transportation
19 engineer.
20 Q And how long have you worked for either HDR
21 and/or its predecessors?
22 A HDR, 25 years.

1 Q Okay. And are you familiar with the
2 project which is the subject of today's hearing?

3 A Yes.

4 Q Have you had an opportunity to visit both
5 of the crossing sites?

6 A Yes.

7 Q And have you had an opportunity to review
8 what has been marked as Exhibit H and Exhibit I as
9 part of the exhibits that have been admitted into
10 evidence here today?

11 A Yes.

12 Q Directing your attention to Exhibit I, what
13 is that document -- excuse me, Exhibit H.

14 A Exhibit H, that is the Plan View Sheet for
15 the Governor Oglesby crossing.

16 Q And did you prepare this document?

17 A Yes.

18 Q What -- we've referred to the plans for the
19 crossing, what would be the percentage completion of
20 this particular drawing?

21 A This is the for construction set of plans
22 dated May 30th, 2014. It is what was provided to the

1 contractor.

2 Q So would this be considered the final plans
3 for the project?

4 A Yes.

5 Q And did you prepare these? You drew them?

6 A Yes. We -- I have people that drew them --

7 Q I see.

8 A -- under my direction.

9 Q I see. And you reference that this is for
10 the Governor Oglesby crossing; is that correct?

11 A Yes.

12 Q Does this show the location of the
13 pedestrian treatment at this particular location?

14 A Yes, it does.

15 Q Does it show the three tracks that will be
16 at this location?

17 A Yes.

18 Q Does it show the type of grade crossing
19 warning devices that will be installed at this
20 location?

21 A Yes.

22 Q And we've referenced that it would be

1 four-quadrant gates with loop detectors; is that
2 accurate?

3 A That is accurate.

4 Q And what type of grade crossing warning
5 devices will there be for the pedestrian crossing at,
6 I guess it's on the south side of the road; is that
7 correct?

8 A That's correct. The sidewalk is on the
9 south side of the road and there will be gates.

10 Q And it's been testified that there will be
11 fencing at this particular location; is that correct?

12 A Yes.

13 Q And why is there fencing in and around a
14 grade crossing?

15 A The sidewalk, there are more than one
16 example for when -- what warrants the fence.

17 First off, the sidewalk presence alone
18 requires a fence, I believe 150 feet minimum, so
19 that's -- that's why it's on the south side.

20 It also is placed for evidence of
21 encroachment and there was a field diagnostic team
22 that decided how far those -- the limits of the

1 fencing would go along the tracks.

2 Q Is the purpose of the fencing for public
3 safety?

4 A Yes.

5 Q Now, who will pay for the installation of
6 this -- grade crossing warning devices and the new
7 crossing surface, to your knowledge?

8 A To my knowledge, the funding source --

9 Q Yes.

10 A -- is the FRA and it cycles through the
11 IDOT Dip-It and to Union Pacific Railroad who has let
12 the project for construction.

13 Q And do you know what the completion -- the
14 scheduled completion date is for this project?

15 A The project as a whole or this particular
16 crossing?

17 Q Well, let's focus on the project as a
18 whole.

19 A I believe the funding is -- total is end of
20 next year, 2015. I'm not certain.

21 Q Okay. And now I'd like to direct your
22 attention to what's been marked as Exhibit I.

1 JUDGE DUGGAN: Mack?

2 MR. SHUMATE: Yes.

3 JUDGE DUGGAN: I didn't get the answer to --

4 you asked her for a completion date, didn't you?

5 MR. SHUMATE: Yeah. She said the end of --

6 well, she said she didn't know.

7 JUDGE DUGGAN: She didn't know, okay.

8 MR. SHUMATE: And I'll go back to John Venice

9 on that.

10 JUDGE DUGGAN: He said November 2014 --

11 MR. SHUMATE: Yes.

12 JUDGE DUGGAN: -- correct?

13 And then she also didn't -- I didn't

14 get a clear answer on who was paying it. Some funds

15 were going to be funneled through IDOT and that's

16 about all I got.

17 MR. SHUMATE: Would it be better for me to ask

18 John this question? I'm asking the two of you.

19 JUDGE DUGGAN: Or Jennifer can tell us.

20 MR. SHUMATE: Do you know?

21 MR. JOHN VENICE: Your Honor, the funding for

22 the upgrades will come from the Illinois High-Speed

1 Rail Program administered by the Illinois Department
2 of Transportation.

3 MS. JENNIFER CRUMBLISS: Right.

4 JUDGE DUGGAN: Is IDOT confirming that?

5 MS. KUNTZ: Yes.

6 JUDGE DUGGAN: So that's going to be the
7 high-speed rail standard reimbursement terms?

8 MR. JOHN VENICE: Yes, your Honor. Yes.

9 JUDGE DUGGAN: Okay. And that's 100 percent of
10 the crossing, the new crossing and the removal -- and
11 the relocations of the new warning devices -- excuse
12 me, the new warning devices, including the fencing
13 all of that?

14 MR. JOHN VENICE: Yes, your Honor.

15 JUDGE DUGGAN: Okay. Just at the crossing;
16 correct?

17 MR. JOHN VENICE: Yes, sir.

18 MR. SHUMATE: While we're talking about this,
19 your Honor, I'll ask both of my witnesses how will
20 maintenance be handled in the future at this
21 particular location?

22 MR. JOHN VENICE: Well, the Union Pacific

1 Railroad would maintain the -- both the grade
2 crossing surface and the grade crossing warning
3 devices at this location.

4 MR. SHUMATE: Okay. Now, I'd like to direct
5 your --

6 JUDGE DUGGAN: And be responsible for the costs
7 therefore; right?

8 MR. JOHN VENICE: Yes, your Honor.

9 JUDGE DUGGAN: Okay. Thanks. Go ahead.

10 BY MR. SHUMATE:

11 Q Now, I direct your attention to Exhibit I.
12 Are you familiar with this particular
13 document?

14 A Yes.

15 Q Did you prepare it?

16 A Yes.

17 Q And what does it purport to show?

18 A It shows the -- it's the plan sheet for the
19 roadway at-grade crossing at Oak Street in Broadwell.

20 Q And does this show the number of tracks
21 that will be going through the intersection?

22 A Yes.

1 Q How many are there?

2 A There are two.

3 Q And are there any sidewalks through this

4 particular crossing?

5 A No.

6 Q And is this -- any pedestrian fencing as

7 part of this project?

8 A There is high-speed rail fencing on the

9 east side of the tracks that runs through part of

10 Broadwell.

11 Q And what is the nature of the grade

12 crossing warning devices that will be installed for

13 vehicular traffic at this location? Is it four --

14 A Four-quad gates.

15 Q And those also include loop detectors?

16 A Yes.

17 MR. JOHN VENICE: You bet.

18 BY MR. SHUMATE:

19 Q And these plans, are these the -- what I've

20 referenced as the final plans for this particular

21 grade crossing?

22 A Yes.

1 Q And these are what will be delivered to the
2 contractors for the construction work?

3 A Yes.

4 Q Do you know when the work at this
5 particular crossing will commence and when it will
6 end? Do you know?

7 A I don't know the full details of the
8 contractor's schedule.

9 Q Okay. So that would be up to the
10 contractors that are actually going to do the work to
11 schedule that work?

12 A Yes.

13 Q And would they coordinate that work with
14 the local road authority to have detoured treatment,
15 if necessary?

16 A Yes.

17 Q And is that for both crossing?

18 A Yes.

19 Q And they would deal with the local road
20 authority for -- and coordinate with the local road
21 authority for that type of work; is that correct?

22 A Yes.

1 Q Is there anything that I have failed to ask
2 you that you think would be helpful to the Judge in
3 this particular matter in rendering a decision?
4 A No, I don't believe so.
5 MR. SHUMATE: Okay. No further questions, your
6 Honor.
7 JUDGE DUGGAN: Thanks.
8 Miss Kuntz?
9 MS. KUNTZ: No questions. Thank you.
10 JUDGE DUGGAN: Mr. Von De Bur?
11 MR. VON DE BUR: No questions, your Honor.
12 JUDGE DUGGAN: Okay. Let's go off the record
13 for a second.
14 (Discussion off the record.)
15 JUDGE DUGGAN: So at this point, we will ask
16 for the positions of the parties.
17 IDOT, what's your position?
18 MS. KUNTZ: We have no objection, your Honor.
19 JUDGE DUGGAN: All right. Staff, what's your
20 position?
21 MR. VON DE BUR: Staff has no objection to the
22 petition as proposed, your Honor.

1 JUDGE DUGGAN: Very good. And Mr. Fout -- Lyle
2 Fout, the mayor of Elkhart, would you want to state
3 your position for the record?

4 MR. LYLE FOUT: No objection.

5 JUDGE DUGGAN: Very good. Thank you.

6 And Mr. Aukamp?

7 MR. BRETT AUKAMP: No objection.

8 JUDGE DUGGAN: And again, Mr. Fout, you are the
9 mayor of Elkhart; correct?

10 MR. LYLE FOUT: Yes, I am.

11 JUDGE DUGGAN: Are you the president?

12 MR. LYLE FOUT: President, village president.

13 JUDGE DUGGAN: Okay. And, Mr. Aukamp, you are
14 the Logan County engineer?

15 MR. BRETT AUKAMP: That's correct.

16 JUDGE DUGGAN: All right. Now, off the record
17 we discussed the ex-party prohibition and explained
18 that to Mr. Fout and Mr. Aukamp and how it helps us
19 expedite matters sometimes if that waiver is --
20 excuse me, if that ex-party prohibition is waived and
21 so -- but I think that Mr. Aukamp is questioning his
22 authority and will go talk to the Logan County

1 State's Attorney and hopefully Logan County State's
2 Attorney will file an ex-party waiver and Mr. Fout
3 has also stated he will talk to the person who has
4 been retained as the city attorney and see if he will
5 agreeable; is that correct, Mr. Fout?

6 MR. LYLE FOUT: Yes.

7 JUDGE DUGGAN: Mr. Aukamp; is that correct?

8 MR. BRETT AUKAMP: Yes.

9 JUDGE DUGGAN: And then for those of us here,
10 Mr. Shumate, you want to waive the ex-party
11 prohibition?

12 MR. SHUMATE: Yes. On behalf of the Union
13 Pacific Railroad Company, we waive the ex-party.

14 JUDGE DUGGAN: And, Miss Kuntz?

15 MS. KUNTZ: Yes, IDOT will waive.

16 JUDGE DUGGAN: Mr. Von De Bur?

17 MR. VON DE BUR: The Commission will waive the
18 ex-party.

19 JUDGE DUGGAN: And that's on behalf of all of
20 the Staff?

21 MR. VON DE BUR: Yes, on behalf of all of the
22 Staff.

1 JUDGE DUGGAN: Okay. Very good.

2 Off the record one more time.

3 (Discussion off the record.)

4 JUDGE DUGGAN: This is heard and taken. Thank
5 you very much.

6 (Heard and taken.)

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